

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

CHARLES J. CHERUNDOLO,

Plaintiff,

v.

No. 5:06-CV-0677  
(NAM/RFT)

MANULIFE FINANCIAL CORPORATION,

Defendant.

APPEARANCES:

Cherundolo, Bottar Law Firm  
Suite 1600  
120 Madison Street  
MONY Tower II - 16th Floor  
Syracuse, NY 13202

Nixon, Peabody Law Firm  
P.O. Box 31051  
Clinton Square, Suite 1300  
Rochester, NY 14603-1051

OF COUNSEL:

John C. Cherundolo, Esq.

Christopher D. Thomas, Esq.

**NORMAN A. MORDUE, Chief U.S. District Judge**

JUDGMENT DISMISSING ACTION  
BASED UPON SETTLEMENT

Pursuant to the status report filed on November 21, 2006, by attorney Cherundolo, that the parties have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of

Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is therefore hereby

ORDERED, as follows:

- 1) This action is dismissed, with prejudice, except as set forth below.
- 2) The court will retain complete jurisdiction to vacate this order and to reopen the action within three months from the date of this order upon cause shown that the settlement has not been completed and further litigation is necessary.

Dated: November 22, 2006  
Syracuse, New York

  
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Norman A. Mordue  
Chief United States District Court Judge

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